

REQUEST FOR PROPOSAL

By

EASTGATE REGIONAL COUNCIL OF GOVERNMENTS

For

Engineering Analysis for the Placement of
Conduit and Fiber Optic Cable into the Ohio
Department of Transportation Right of Way
at St. Rt. 11 in Ashtabula, Trumbull,
Mahoning, and Columbiana Counties

RFP Issue Date: July 18, 2022

RFP Response Due Date: August 8, 2022

Projected RFP Award Date: September 9, 2022

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REQUEST FOR PROPOSAL

I. Project Overview

Feasibility Study

The Eastgate Region consisting of Ashtabula, Mahoning, and Trumbull Counties (“Eastgate”), along with Columbiana County (collectively the “Counties”) is home to over 620,000 people of which over 112,157 do not have internet access.

Given the importance of digital equity and a commitment to eliminating the digital divide in the region, the Eastgate Regional Council of Governments issued a Request for Proposals in September 2020, seeking the services of a consultant or firm to perform a Regional Broadband Feasibility Study (the “Feasibility Study”) focused on providing enhanced and reliable internet service to rural areas lacking appropriate coverage, as well as urban centers that require increased speed and access. Ice Miller Whiteboard and ms consultants, inc. were awarded the RFP and began work on the Feasibility Study in November 2020. Completed in June 2021, the Feasibility Study is available for respondents’ review at: <https://eastgatecog.org/docs/default-source/economic-development/eastgate-regional-broadband-feasibility-study-final-version.pdf>.

The Feasibility Study provided a series of recommendations to help eliminate the digital divide in the Eastgate region by providing access, without interruption, to reliable high-speed broadband internet. This RFP is being issued to further the region’s digital equity and inclusion goals.

Regional Middle Mile Backbone Network

Eastgate has prioritized the Feasibility Study recommendation to enable greater fiber-based connectivity for residents and businesses in the region by the establishing a Lake (Erie) to River (Ohio) regional backbone middle-mile fiber line utilizing Ohio Department of Transportation (“ODOT”) right-of-way (“ROW”) along State Route 11 (the “Lake to River Corridor”), supplemented with connectivity along the Ohio Turnpike, Rt. 88, Rt. 224, Rt. 304, and Rt. 305, and others, to ensure additional last-mile broadband service to municipalities and townships, expanding off of the regional backbone.

According to InnovateOhio, Ohio’s network of roads, bridges and highways is the state’s most valuable physical asset.¹ ODOT controls limited access and non-limited access ROW. On limited access ROW, ODOT has sole authority and discretion to allow occupancy/use. On non-limited access ROW, outside of municipal boundaries, ODOT has sole authority and discretion to allow occupancy/use; however, inside of municipal boundaries, the municipality typically controls such access.² State route 11 is considered “limited access” ROW (all respondents to this RFP shall anticipate frequent interfacing with ODOT for St. Rt. 11’s use).

¹ State of Ohio, Department of Transportation, *Digital Infrastructure Assets and Strategy* (last visited July 15, 2022), <https://innovateohio.gov/wps/wcm/connect/gov/f8f7a5bf-2880-4113-aab9-42687d7da705/Broadband+RFI.pdf?MOD=AJPERES&CVID=mYuZkT0>.

² *Id.*

RFP for Middle Mile Engineering Analysis

This RFP is for an Engineering Analysis for such a fiber line utilizing the Ohio Department of Transportation (“ODOT”) ROW along SR11 in Ashtabula, Columbiana, Mahoning, and Trumbull counties. Ashtabula, Trumbull, and Mahoning Counties are part of ODOT District 4 and Columbiana County is part of ODOT District 11.

It is Eastgate’s main intent through this RFP to obtain an engineering analysis for placing fiber along St. Rt. 11 ROW. Said fiber placement will benefit Eastgate and ODOT, including residents, businesses, community institutions, government, overall economic development, and catalyze innovation. Eastgate desires to create an environment that serves the Eastgate members’ current and future technology needs, and establishes a platform that supports and facilitates existing, as well as new ISP, telecommunications carrier, and data center services in the Eastgate region.

II. Scope of Services

Eastgate seeks qualified venders to conduct professional engineering services (the “Engineering Analysis”) for the design of a fiber-optic backbone infrastructure through Ashtabula, Trumbull, Mahoning, and Columbiana Counties. Pursuant to Ohio Revised Code section 153.65, Professional Design Services Definitions, Eastgate requests proposals from professional engineering firms for the design and planning of the project described below.

The scope of work for professional services the Engineering Analysis will include, but not be limited to:

1. Engineering designs for the Lake to River Corridor. Recommendations should include but not be limited to:
 - i. fiber optic conduit and cabling with pull boxes along the Lake to River Corridor;
 - ii. recommended inner ducts type;
 - iii. conduit size and number of fiber strands proposed, anticipating future growth;
 - iv. recommended construction method in accordance with ODOT, local or federal government standards – whichever is most restrictive;
 - v. connection points to OARnet;
 - vi. an open access model to enable multiple service providers to access the conduit and fiber, on a non-discriminatory basis to terrestrial and wireless last mile broadband providers and any other party making a bona fide request;
 - vii. supplemental connection points including but not limited to the Ohio Turnpike, Interstate 76, Interstate 80, and Interstate 90. Recommendations

should specifically address the concurrency where SR11 and I-80 share the same physical roadway.

viii. Possible supplemental connection points along/ to Rt. 11 including but not limited to use of Rt. 5, Rt. 6, Rt. 7, Rt. 14, Rt. 39, Rt. 46, Rt. 62, Rt. 80/680, Rt. 82, Rt. 87, Rt. 88, Rt. 154, Rt. 165, Rt. 167, Rt. 224, Rt. 304, Rt. 305, Rt. 307, Rt. 322, Rt. 344, and Rt. 422, considering each interchange and overpass. Respondents are permitted to expand or limit the scope of connection points, as necessary, by incorporating their expertise and experience to help Eastgate achieve the project objectives, specifically connection points that will optimize service to unserved and underserved areas near St. Rt. 11.

ix. providing last-mile service to all Anchor Institutions within 1,000 feet of the Lake to River Corridor. A non-exhaustive list of such Anchor Institutions is attached hereto as **Attachment B**; however, the Awardee will be expected to confirm that all Anchor Institutions within this distance are included.

2. Phasing recommendations for the construction of the Lake to River Corridor.

3. Cost estimates/ Budget for Construction of the Lake to River Corridor, including cost per phase and total project cost.

4. Consideration of costs should demonstrate that no covered communications equipment or service (as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608) would be purchased to complete construction.

5. Recommendation of project limits and logical termini, which shall include connection to the Ohio Academic Resources Network (“OARnet”).³

6. Verify the availability of ROW access along the identified route through coordination with ODOT and identify permitting and access requirements along the route.

i. Respondent shall identify potential challenges to ODOT ROW access, if any, such as railroad ROW, existing utilities, and other elements, including environmental issues and fish and wildlife restrictions, etc.

ii. Respondent shall detail how it will assist ODOT in gathering information to support the continued advancement and enhancement of the State’s

³ Established in the 1990s as an effort to link Ohio’s colleges and libraries to the internet, OARnet is now one of the most advanced broadband backbone systems in the country, with more than 2,000 miles statewide of dedicated high-speed fiber serving Ohio’s state and local governments, research institutions, medical centers, community anchor institutions, education institutions, and the Ohio Supercomputer Center. The State of Ohio has made significant investments in the OARnet system, previously replacing copper wire with an advanced fiber optic network, which enables OARnet to offers speeds up to 100Gbps. *Eastgate Regional Broadband Feasibility Study*, Ice Miller Whiteboard and MS Consultants, (June 4, 2021) <https://eastgatecog.org/media/a4a249ae-ca98-4b69-aedd-f4d16ed96c4f/4jf12A/Broadband%20Lake-to-River%20Backbone%20Fiber%20Expansion/eastgate-regional-broadband-feasibility-study-final-version.pdf?download=false>.

digital infrastructure through this project and connect underserved areas with last-mile broadband service. The Awardee under this RFP will be expected to coordinate with ODOT and the State of Ohio regarding their fiber needs and minimum strands to be provided for their exclusive uses in the Engineering Analysis.

iii. If the Lake to River Corridor route will not work for the purposes described herein, the Awardee will be expected to propose a new route that will achieve the project goals.

7. Coordinating with Eastgate regarding its fiber needs and include the proposed minimum number of strands for Eastgate's exclusive use.

8. Consideration of current and emerging network technologies. Consideration of current and emerging network technologies should not include recommendations for covered equipment or services (as defined in Section 9 of the Secure and Trusted Communications Networks Act of 2019 (47 U.S.C. § 1608).

Eastgate is seeking proposals of certified engineering firms with professional consulting services that is multi-disciplined, professionally capable, and has similar experience as requested herein.

III. RFP Responses

Qualified firms are requested to submit a full proposal to this RFP. All responses must clearly and thoroughly address each of the components listed above. Respondents are advised to provide a level of thoroughness that will enable the Eastgate to achieve its objectives. Respondents are further advised to focus their responses on Eastgate-specific elements as opposed to including generalized or marketing statements and collateral.

Responses must be comprised of the following materials:

A. Cover Letter

1. Including a concise description of Respondent's understanding of the project and a brief explanation as to why the Respondent is interested in this RFP.
2. Signed by an officer of the firm authorized to execute a contract.

B. Respondent and Sub-Contractor Information

1. Respondents are required to provide the organization name, address, phone, email, and website.
2. Respondents are required to provide a contact person name, title, address, phone, and email (if different from the above organization).
3. Respondents are required to provide bios for any key personnel who will work on this project, including certificates, applicable work history, and capabilities.

4. Respondents are required to provide any MBE/WBE/VBE/DBE Certifications.

5. Respondents are required to provide de-identified demographic information about its workforce.

6. Respondents must provide a certification from an Officer/Director-level employee (or equivalent) of the respondent evidencing consistent past compliance with federal labor and employment laws by the applicant.

7. Respondents are required to provide an overview of its current services and statement of core business competencies.

8. Respondents are required to list any partners, subcontractors, or outside vendors that will be utilized to complete any portion of the RFP and the partner's/ subcontractor's/ vendor's qualifications and key personnel who will work on this project. If a subcontractor or co-partner will be responsible for any portion of the RFP services, Respondent should identify its plan for replacing the subcontractor or co-partner if: (1) the subcontractor or co-partner's services are unsatisfactory, and/ or (2) they no longer are the subcontractor or co-partner. Be advised that **there can be no change of key personnel assigned to work on this project once awarded by Eastgate without Eastgate's prior approval.** Eastgate further reserves the right to approve or reject all consultants or internal staff performing consulting services proposed by the consultant during or after the consultant review and selection process.

C. Respondent Background and Experience and Pre-Qualification Requirements

1. Respondents are required to provide background and experience demonstrating their ability to perform the full scope of work required under this RFP.

2. Respondents are required provide brief descriptions of three (3) projects with similar engineering service or topics, including projects utilizing state limited access ROW, as requested in the RFP prepared by or under the direction of the Respondent's firm. Respondents should also include a list of references for the projects.

3. Respondents are required to provide a description of its project management approach and methodology as well at the current capacity, reflected in hours or percentages of time, of the individuals who will be staffing the Project.

4. Respondents are required to provide a description of any existing operations in the Counties if such operations/ projects would provide the ability to integrate the Lake to River Corridor with other ongoing projects in the region.

Prequalification requirements for this agreement are listed below. For all prequalification categories other than Cost Accounting - Unlimited the requirement may be met by the prime consultant or a sub-consultant.

Also, please note that only individuals (not firms) are prequalified for right-of-way acquisition and construction inspection. In instances where prequalification for these services is required, a prequalified individual, either employed by the prime consultant or a subconsultant, must be named in order to meet the requirement.

For agreements that require prequalification in Cost Accounting - Unlimited the prime consultant and **all sub-consultants that provide engineering and design-related services** must be prequalified in this category. Engineering and Design Related Services are defined as follows:

Program management, construction management, feasibility studies, preliminary engineering, design engineering, surveying, mapping, or architectural related services with respect to a highway construction project subject to 23 U.S.C. 112(a) as defined in 23 U.S.C 112(b)(2)(A); and

Professional services of an architectural or engineering nature, as defined by State law (ORC 5526), are required to, or may logically or justifiably be performed or approved by a person licensed, registered, or certified to provide the services with respect to a highway construction project to 23 U.S.C. 112(a) and defined in 40 U.S.C. 1102(2).

D. Completion Schedule and Budget

1. Respondents must provide a detail timeline for project completion, including timelines for each phase proposed in their performance of the project.
2. Respondents must provide a detailed project budget, detailed by each phase of the project.
3. Respondents should include any additional information demonstrating their understanding of federal, state, and local funding sources, should such sources be needed for construction of the Lake to River Corridor.

E. Other Relevant Information

Selection Subfactors

There are no selection subfactors for this project.

Contract Type and Payment Method

Consultant contract – Lump Sum. Eastgate will fund the project with a not to exceed amount of Five Hundred Thousand Dollars and No Cents (US\$500,000.00). Respondents shall make every effort to perform the Engineering Study in the most cost-effective manner.

Estimated Date of Authorization

It is anticipated that the selected Consultant will be authorized to proceed by September 2022.

IV. Evaluation Criteria

The selection process will be a two-stage process. The first stage will be a review and scoring of the written proposals and a selection by Eastgate of the Respondents to advance to the second stage of the selection process. Eastgate will score the proposals based on the criteria listed below (and scored on a 100-point scale). Only the advancing Respondents will be contacted.

The second stage will be an interview with the advancing Respondents with Eastgate, ODOT, and BroadbandOhio (the “Evaluation Committee” or “Committee”) with a final selection of the Committee being based on the scoring system and Respondent interview.

1. **Respondent’s Related Experience: 30 points**
2. **Respondent’s Financial, Technical and Managerial Stability and Capacity: 30 points**
3. **Respondent’s Proposed Pricing: 25 points**
4. **Respondent’s Proposed Model, Schedule, and Timeline: 15 points**

V. Proposal Format and Submittal Procedure

All proposals must be electronically generated. Respondents must submit one (1) printed paper copy of their proposed materials to Eastgate at Eastgate Regional Council of Governments, 100 E. Federal St Suite 1000 Youngstown, OH 44503 and one (1) Portable Document Format (PDF) version of all proposal materials via electronic mail to Mark Ragozine to the following address (the “Eastgate Authorized Representative”): Mragozine@eastgatecog.org.

Following the RFP Issue Date, Respondents may submit questions regarding this RFP at any time through **July 27, 2022** to the Eastgate Authorized Representative. Questions submitted to the Eastgate Authorized Representative do not create exceptions to the terms and conditions of this RFP. All questions submitted to, and answers provided by the Eastgate Authorized Representative shall be shared by Eastgate on its website (www.eastgatecog.org) or before **July 29, 2022**. Respondents shall not contact to discuss this RFP, any person who is an employee, officer, elected official or agent of Eastgate, with respect to this RFP, except Eastgate’s Authorized Representative. Eastgate may disqualify any Respondent who makes such contact.

The deadline for Eastgate’s receipt of a Respondent’s proposal, in both the printed and emailed PDF versions as outlined above, is **August 8, 2022 at 2:00PM Eastern**. Respondents may submit their proposals at any time prior to the above stated deadline. Failure to submit the required formats and number of copies by this deadline may be subject for disqualification from the RFP process. Eastgate shall bear no responsibility for submitting proposals on behalf of any Respondent. **No extensions shall be granted for responses to this RFP.**

VI. Examination of Documents and Requirements

Each Respondent shall carefully examine the RFP and thoroughly familiarize themselves with all requirements prior to submitting a proposal to ensure that the proposal meets Eastgate’s intent.

Before submitting a proposal, each Respondent shall be responsible for making all investigations and examinations necessary to ascertain conditions affecting the requirements of this RFP. Failure to make such investigations and examinations shall not relieve the Respondent from its obligation to comply, in every detail, with all RFP provisions and requirements.

VII. Post-Proposal Discussions with Respondents

It is Eastgate's intent to commence final negotiations with the Respondent deemed most advantageous to Eastgate and most likely successfully complete an Engineering Analysis as described herein. Eastgate reserves the right to conduct post-proposal discussions with any Respondent.

VIII. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

a. The prospective lower tier participant certifies, by submission of this proposal, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency.

b. Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this proposal.

IX. Terms, Conditions, Limitations and Exceptions

1. This RFP does not commit Eastgate to issue an award or to pay any costs incurred in the preparation of a proposal in response to this RFP.
2. The proposals will become part of Eastgate's official files without any further obligation on Eastgate's part.
3. All proposals received and any or all-supporting documentation are subject to the State of Ohio Public Records Act and the provisions of Ohio Law. Eastgate will use reasonable due diligence where lawful to protect materials clearly marked by any Respondent as "proprietary," "trade secret" or "confidential". General technology approach or business model information does not constitute "proprietary," "trade secret" or confidential information.
4. All work shall be performed in accordance with the regulations issued by the federal, state, and local governments. The selected firm will be required, if applicable, to comply with Title VI of the Civil Rights Act of 1964, President's Executive Order 11246, Section 109 of the Housing and Urban Development Act of 1968, Conflict of Interest Statement, Access to Records provisions, Fair Labor Standards Act, and the Uniform Relocation Assistance and Real Property Acquisitions Policies Act of 1970. The selected firm must also fully comply with the Minority/Women-Owned Business Enterprise and Affirmative Action requirements.

5. If a portion of the project is subcontracted, then “positive efforts” must be made to subcontract to Minority/Women-Owned Business. This shall be done in compliance with the six (6) affirmative steps as outlined in 40 CFR 33.240. The full opportunity will be afforded to minority business enterprises to respond to this request and will not discriminate against any interested firm or individual on the grounds of race, creed, color, sex, age, handicap, or national origin in the awarding of this contract.
6. Respondent(s) shall not offer any gratuities, favors, or anything of monetary value to any official or employee of Eastgate.
7. Respondent(s) shall not collude in any manner, or engage in any practices, with any other Respondent(s), which may restrict or eliminate competition or otherwise restrain trade. This is not intended to preclude subcontracts and joint ventures for the purposes of: (1) responding to this RFP, or (2) establishing a project team with the required experience and/or capability to provide the services specified herein. Conversely, Eastgate can combine or consolidate proposals, or portions thereof, for the purposes mentioned herein.
8. All proposals submitted must be the original work product of the Respondent. The copying or paraphrasing of the work product of another Respondent is not permitted.
9. The RFP and the related responses of the selected Respondent may by reference become part of any formal agreement between the selected Respondent and the Eastgate. Eastgate and the selected Respondent may negotiate a contract or contracts for submission to Eastgate for consideration and approval. In the event an agreement cannot be reached with the selected Respondent, Eastgate reserves the right to select an alternative Respondent. Eastgate reserves the right to negotiate with alternative Respondent(s) the exact terms and conditions of the contract.
10. Respondents, their authorized representatives, and their agents are responsible for obtaining, and will be deemed to have full knowledge of the conditions, requirements, and specifications of the RFP at the time a proposal is submitted to Eastgate.
11. Respondents certify, by submission of this proposal, that neither it nor its principals are presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participating in covered transactions by any federal department or agency. Where the respondent is unable to certify to any of the statements in this certification, the respondent shall attach an explanation to this proposal.
12. Eastgate may terminate its performance under a contract in the event of a default by the Respondent and a failure to cure such default after receiving notice of default from Eastgate. Default may result from the Respondent's failure to perform under the terms of the contract or from the Respondent becoming insolvent, having a substantial portion of its assets assessed for the benefit of creditors, or having a receiver or trustee appointed.
13. Eastgate reserves the right to unilaterally disqualify any Respondent who in Eastgate’s opinion fails to provide information or data requested or who provides materially inaccurate or misleading information or data. Further, Eastgate reserves the right to unilaterally disqualify any Respondent on the basis of any real or apparent conflict of

interest that is disclosed by the proposal submitted or any other data or information available to Eastgate. This disqualification is at the sole discretion of Eastgate. By submission of a proposal hereunder, the Respondent waives any right to object now, or at any future time, before any body or agency, including but not limited to, Eastgate's elected officials, officers, agents, or employees, or any court, as to the exercise by the Eastgate of such right to disqualify or as to any disqualification by reason of real or apparent conflict of interest determined by Eastgate.

14. Eastgate shall have the unilateral right to reject any Respondent RFP response including, but not limited to the following:
 - (a) Failure to submit the RFP response in order for Eastgate to receive it by the deadline of **August 8, 2022 at 2:00 PM Eastern.**
 - (b) Failure to submit the RFP response to the correct location.
 - (c) Failure to submit the RFP response in the prescribed formats and number of copies.
 - (d) Failure to include all requested information.
 - (e) Taking exception to the terms, conditions, and specifications herein.
 - (f) Other reasons as may be reasonably determined by Eastgate or its advisors.

NOTE: Any deviation/ omission from the preceding list may void a Respondent response.

The issuance of this RFP and the acceptance of a proposal does not constitute an agreement by Eastgate that any contract or other agreement will actually be entered into by Eastgate. Eastgate expressly reserves the right to:

- (a) Reject any or all proposals.
- (b) Reissue the RFP.
- (c) Accept portions of individual or multiple RFP responses.
- (d) Request more information and/or clarification of proposals from any or all Respondents.
- (e) Waive immaterial defect(s) or informality(ies).

The foregoing granting of exclusive negotiation rights does not commit Eastgate to accept all or any of the terms of the proposal(s). Final terms of any agreement will be agreed upon during negotiations. Negotiations may be terminated at any time by Eastgate for failure to reach mutually acceptable terms.

15. Eastgate reserves the right to request clarification of any proposal after all proposals have been received.
16. Eastgate reserves the right to select elements from different individual proposals and to combine and consolidate them in any way that best serves Eastgate's interest. Eastgate reserves the right to reduce the scope of the project and evaluate only the remaining elements from all proposals. Eastgate reserves the right to reject specific elements contained in all proposals and to complete the evaluation process based only on the remaining items.

17. Any disputes arising out of this agreement that result in litigation shall be litigated in the appropriate court in Mahoning County, Ohio.
18. This RFP, the responses thereto, and any awarded contract thereunder shall for all purposes be construed and enforced in accordance with the laws of the State of Ohio. All Respondents shall comply with any and all applicable orders, rules, or regulations of the Federal Communications Commission (“FCC”), Public Utilities Commission of Ohio (“PUCO”), and Federal, State, and local law in submitting a response to this RFP, and during the term and in performance of any contract awarded as a result of this RFP.
19. Entities submitting proposals must have the capacity to enter into a legally binding contract. All contract(s) amount(s), if any, resulting from this solicitation will be paid directly to the entity submitting accepted proposal(s). In any accepted proposal(s), to authorize payments directly to another third party upon contracting the proposing entity may be required to fully execute such proper payment authorization forms as acceptable to the Eastgate.
20. The Eastgate reserves the right to conduct, for security reasons, a lawful background investigation on the selected Respondents, its principal party, personnel, or subcontractors. Respondents agree to cooperate with Eastgate in this endeavor and to provide any permitted, reasonably necessary information. Eastgate will, upon the Respondent’s written request, provide a copy of such background investigations to the Respondents, to the extent allowable by law. Dependent upon the results of the background check, Eastgate may request the Respondents to immediately remove an individual from participation on this project. Respondents shall not knowingly assign any personnel with records of criminal conviction(s) to the Engineering Analysis without advising Eastgate of the nature and gravity of the offense. In fulfilling the obligations under this section, Eastgate and the Respondents shall comply with all laws, rules, and regulations relating to the making of investigative reports and the disclosure of the information contained therein. Eastgate and the Respondents shall, if allowed by law, indemnify, defend, and hold each other harmless against any wrongful disclosure by the indemnifying party, its employees, and/or agents of said reports and the information contained therein.
21. All selected Respondents shall be required in the course of the project to cooperate fully, and in any reasonable manner Eastgate shall request, with all of Eastgate officials, officers, agents, employees, contractors, subcontractors, and volunteers. Further, selected Respondents shall be required to coordinate their implementation(s) with all other selected Respondents and all other projects that are being undertaken by Eastgate. If any problem or difficulty should arise regarding such attempts at cooperation and coordination, the Eastgate shall be immediately informed and will determine the manner in which the parties are to proceed.